

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

	Barbara Beerhalter	Chair
	Cynthia A. Kitlinski	Commissioner
Norma McKanna	Commissioner	
	Robert J. O'Keefe	Commissioner
	Darrel L. Peterson	Commissioner

In the Matter of Northwestern Bell Telephone
Company's Private Line Transport Services
Tariff Filing

ISSUE DATE: April 15, 1988

DOCKET NO. P-421/M-87-596

SECOND ORDER GRANTING REQUEST
FOR EXTENSION OF SUSPENSION
PERIOD

PROCEDURAL HISTORY

On September 30, 1987, Northwestern Bell Telephone Company (NWB or the Company) filed a Private Line Transport Services tariff with the Minnesota Public Utilities Commission (the Commission).

On November 24, 1987, the Commission issued its Order Suspending Rates and Extending Period of Suspension (November 24, 1987 Order). In that Order, the Commission granted NWB's request for a 90 day suspension of the ten month rule under Minn. Stat. §237.075, subd. 2 (1986), subject to a written request from NWB for a waiver of the ten month rule. During the suspension period NWB was to discuss the possibility of settling or narrowing the contested issues with other parties in this proceeding.

On December 11, 1987, NWB submitted a letter waiving its rights to the ten month time limit under Minn. Stat. §237.075, subd. 2 (1986) for a period of 90 calendar days.

On February 19, 1988, NWB requested a 30 day extension of the 90 day suspension period. NWB explained that because of the complexity of the issues involved and the need for additional settlement proposals which reflected the parties' views, the Company needed an additional 30 days for settlement discussions.

On March 7, 1988, the Commission issued its Order Granting Request for Extension of Suspension Period. In that Order, the Commission approved an additional 30 day waiver of the ten month rule, extending the date by which NWB must submit its report on the settlement negotiations to April 8, 1988.

On April 7, 1988, NWB submitted a letter to the Commission indicating that it had reached an agreement in principle and in concept with the following parties: the Department of Administration, the Department of Public Service, the Minnesota Business Utility Users Council, the Residential Utilities Division of the Office of the Attorney General, AT&T, and the Minnesota Independent Coalition. NWB also stated that it had recently met with five alarm companies and, at this time, those alarm companies were considering their positions. The Company requested an additional 14 days for submitting the written settlement.

BACKGROUND

In the November 24, 1987 Order and the March 7, 1988 Order which extended the suspension period, the Commission agreed with NWB that a period for discussion on the disputed issues would be appropriate in this proceeding. The Commission found that, with a good faith effort and the cooperation of all interested parties, this discussion could be productive and could limit the number and scope of issues to be decided through hearing. The Commission found that this would reduce the time and money spent by state agencies, interested parties, and NWB. Therefore, the Commission granted the requested suspension periods of the ten month limit for the suspension of the proposed rates.

REQUEST FOR EXTENSION OF SUSPENSION PERIOD

In its letter of April 7, 1988, NWB stated that, while the parties have "reached an agreement in concept, additional time is needed to draft appropriate language to 'operationalize' the settlement." Therefore, NWB, on behalf of those parties who had reached the verbal agreement, requested an additional 14 day suspension of the ten month rule until April 22, 1988.

FINDINGS AND CONCLUSIONS

Without the additional 14 day suspension of the ten month rule, the Commission finds that parties would not have adequate time to submit a written settlement agreement. Because the Commission has already granted parties 120 days for negotiations and those negotiations appear to have been successful, the Commission will grant the requested 14 additional days to allow parties time to submit their written settlement agreement.

Additionally, as stated in the November 24, 1987 Order, the Commission finds that Minn. Stat. § 237.075 (1986), regards the telephone company seeking a rate change as the party who can enforce or waive the ten month period for a Commission decision on a proposed rate change.

For the reasons discussed above, the Commission concludes that it will approve NWB's request, on

behalf of the negotiating parties, for an additional 14 day waiver of the ten month rule. Under the March 7, 1988 Order, the date for the report on settlement negotiations was April 8, 1988. With the additional 14 day suspension of the ten month rule, the new due date for submission of the written settlement agreement will be April 22, 1988.

While the Commission will grant the requested extension, the Commission is concerned that customers have not been formally notified of the settlement discussions. The interest of individual customers is apparent from NWB's discussions with the individual alarm companies, as referenced in the Company's letter of April 7, 1988, and also by the petition to intervene by the Communities for Citizen Access, received April 7, 1988.

Therefore, the Commission will direct NWB to provide notice of this proceeding, and the proposed settlement, to its customers. Additionally, the governing bodies of each municipality and county in the area affected shall be notified of this proceeding and the proposed settlement. Prior to their distribution, the notices shall be submitted to the Commission for approval.

During the additional 14 day extension of the suspension period, the same terms and conditions of the Commission's November 24, 1987 Order regarding formal discovery and proprietary information will apply.

ORDER

1. Northwestern Bell Telephone Company's request for an additional 14 day suspension of the ten month period under Minn. Stat. §237.075, subd. 2 (1986), is hereby approved.
2. Northwestern Bell Telephone Company shall provide notice of this proceeding and the potential settlement as described herein.
3. During the additional 14 day suspension period, the terms and conditions outlined in the November 24, 1987 Order in this proceeding regarding formal discovery and proprietary information shall continue.

4. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Mary Ellen Hennen
Executive Secretary

(S E A L)